

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**The State of Ohio;  
and  
The State of Tennessee,**

**Plaintiffs,**

**Case No. 2:15-cv-02467**

**v.**

**Judge Sargus**

**United States Army Corps of Engineers;  
United States Environmental Protection  
Agency; The Honorable Jo-Ellen Darcy  
in her official capacity as Assistant  
Secretary of the Army (Civil Works); and  
The Honorable Gina McCarthy in her  
official capacity as Administrator, U.S. E.P.A.**

**Magistrate Judge King**

**Defendants.**

**PLAINTIFFS' NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs the State of Ohio and the State of Tennessee appeal to the United States Court of Appeals for the Sixth Circuit from the Order denying a Preliminary Injunction (Doc. 86) entered on March 26, 2019. A copy of the Order is attached as Exhibit A.

Respectfully submitted,

DAVE YOST (0056290)  
Ohio Attorney General

*/s/Lawrence Helkowski*

LAWRENCE HELKOWSKI\* (0068622)  
\**Trial Counsel* (for all Plaintiffs)  
Assistant Attorney General  
30 E. Broad Street, 25th Floor  
Columbus, OH 43215  
614-466-2766 – Telephone  
Lawrence.Helkowski@OhioAttorneyGeneral.gov

*/s/Jonathan D. Blanton*

JONATHAN D. BLANTON (0070035)  
Assistant Attorney General  
30 E. Broad Street, 17th Floor  
Columbus, OH 43215  
614-728-1171 – Telephone  
Jonathan.Blanton@OhioAttorneyGeneral.gov

*/s/Amber Wootton Hertlein*

AMBER WOOTTON HERTLEIN (0083858)  
Assistant Attorney General  
30 E. Broad Street, 25th Floor  
Columbus, OH 43215  
614-466-2766 – Telephone  
Amber.Hertlein@OhioAttorneyGeneral.gov

*Counsel for Plaintiff State of Ohio*

HERBERT H. SLATTERY III  
Tennessee Attorney General and Reporter

BARRY TURNER  
Deputy Attorney General

ELIZABETH P. McCARTER (10531)  
Senior Assistant Attorney General  
Office of the Attorney General and Reporter

Environmental Division  
P.O. Box 20207  
Nashville, TN 37202  
615-532-2582 – Telephone  
615-741-8724 – Facsimile  
lisa.mccarter@ag.tn.gov

*Counsel for Plaintiff State of Tennessee*

**CERTIFICATE OF SERVICE**

This will certify that the foregoing was filed electronically on May 28, 2019. This filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/ Lawrence S. Helkowski*

LAWRENCE S. HELKOWSKI (0068622)  
Assistant Attorney General